

# **EXHIBIT “2”**

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**Electronically Filed on:**  
**January 17, 2007**

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11 Attorneys for Fertitta Enterprises, Inc.,  
 and designated Nevada counsel for Estate of Tabas

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

13 In re:

14 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

15 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

16 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 Debtor.

17 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

18 USA SECURITIES, LLC,  
 Debtor.

19 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

20 Chapter 11

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**MOTION FOR ORDER  
SHORTENING TIME FOR  
HEARING ON ESTATE OF  
DANIEL TABAS' AND FERTITTA  
ENTERPRISES, INC.'S MOTION  
FOR RELIEF FROM THE  
AUTOMATIC STAY TO  
TERMINATE THE LOAN  
SERVICING AGREEMENT FOR  
THE DIRECT LOAN TO COLT  
GATEWAY LLC  
(Affects USA CM ONLY)**

22 Hearing Date:  
 23 Hearing Time:

1       The Estate of Daniel Tabas and Fertitta Enterprises, Inc. ("Movants"), through their  
 2 respective counsel, Jonathan J. Bart, Esq., and Janet L. Chubb, Esq., of Jones Vargas filed a  
 3 Motion for Relief from the Automatic Stay to Terminate the Loan Servicing Agreement for the  
 4 Direct Loan to Colt Gateway LLC ("Motion"). Movants hereby request an order shortening time  
 5 for the hearing on its Motion based on the fact the Loan Servicing Agreement was not sold to  
 6 Compass, so the liquidating trustee will service it. That transition will take time. Movants would  
 7 like to change the servicer while Debtor is still servicing the loan.

8       The motion for relief from the automatic stay is based on the grounds that USA  
 9 Commercial has failed to satisfy the terms of its loan servicing agreement or its obligations under  
 10 the Nevada Administrative Code. Debtor's past and continuing contractual breaches constitute  
 11 cause necessary to terminate the automatic stay in this loan. Movants request this relief from the  
 12 automatic stay in order to terminate USA Commercial as the servicing agent the Colt Gateway and  
 13 hire a new servicing agent.

14       WHEREFORE, Movants pray for an order shortening time for the hearing on this motion  
 15 to a date as soon as possible as is consistent with the Court's calendar.

16       DATED this 17th day of January, 2007.

17       WILENTZ GOLDMAN & SPITZER P.A.

18       //s//Jonathan J. Bart

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17       JONES VARGAS

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